STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
JACKSON ENVIRONMENTAL FIELD OFFICE
362 CARRIAGE HOUSE DRIVE
JACKSON, TENNESSEE 38305-2222

Certified Mail
Z 204 302 767

June 25, 1999

Mr. Ricky Wade, Env. Mgr.
Trinity Industries, Inc., Plant #11
Railcar Repair Division
1010 Dobbins Street
Paris, TN 38242

RE: **Notice of Violation**
ID #TND 03-486-5592
Inspection Conducted: 5-12-99
Henry County

Dear Mr. Wade:

This letter confirms observations made by U.S. EPA and Division of Solid Waste Management personnel during a hazardous waste inspection at the above-referenced Trinity Industries, Inc., Plant #11 facility located in Paris, TN. The inspection was conducted on May 12, 1999.

The enclosed report outlines the violation(s) identified during the inspection. Corrective measures must be implemented immediately that address each violation. A follow-up inspection will be conducted to verify that appropriate corrective measures have been taken.

Certain of the violations are identified as significant non-compliance and must be referred to the attention of our Enforcement Section for review.

I appreciate the courtesy extended to me during my visit to your facility and if I can be of assistance in the future, you may contact me at (901)661-6240.

Sincerely,

James Kelly

James (Pete) Kelly
Environmental Protection Specialist
Division of Solid Waste Management

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cc: DSWM,NCO, J.W. Darden
DSWM,NCO, E. Jayne
DSWM,NCO, E. Pincince
DSWM,NCO file
DSWM,EAC-J file
EPA Region IV, D. Dorian

HAZARDOUS WASTE INSPECTION REPORT

SITE/PHYSICAL LOCATION:

Trinity Industries, Inc., Plant #11
ID #TND 03-486-5592
Railcar Repair Division
1010 Dobbins Street
Paris, TN 38242

PRIMARY CONTACT(S):

Mr. Frank Kyler, Plant Mgr.
Mr. Ricky Wade, Env. Mgr.

Trinity Industries, Inc., Plant #11
Railcar Repair Division
1010 Dobbins Street
Paris, TN 38242

Phone: (901)642-0211

DATE/TIME OF INSPECTION:

May 12, 1999
10:00 a.m.

INSPECTION PARTICIPANTS:

Frank Kyler, Trinity Industries, Inc.(Trinity)
Ricky Wade, Trinity Industries, Inc.
David Dorian, Environmental Engineer, U.S. EPA, Region IV
Frank Williams, Environmental Specialist, DSWM
James Kelly, Env. Protection Specialist, DSWM

REPORT PREPARED BY:

James Kelly
Environmental Protection Specialist
Division of Solid Waste Management(DSWM)

PURPOSE OF INSPECTION:

This inspection was conducted to evaluate Trinity Industries', Plant #11 compliance with the applicable requirements of the Rules and Regulations promulgated pursuant to the Hazardous Waste Management Act, T.C.A., 68-212-101 et seq. and Hazardous Waste Reduction Act, T.C.A. 68-212-301 et seq.

FACILITY DESCRIPTION:

Trinity Industries, Inc.(Trinity) is located in central Henry County within the city limits of Paris, TN adjacent to Dobbins Street and Highway 54. The facility primarily repairs and refurbishes railway tankers and hopper-cars: SIC 3743.

The major operations performed at the facility include: surface preparation via heat curing of the inner tank liner, followed by internal sandblasting and relining of the tanker/hopper-car. The outer surface is sandblasted and painted as well. The ancillary equipment is repaired/replaced, then sandblasted and painted as needed.

Trinity generates hazardous wastes in the form of spent solvent, waste paint and still bottoms(from on-site distillation of the spent solvent). The waste paint and still bottoms are accumulated on-site in 55-gallon drums. These activities do not require a RCRA permit.

There were no outstanding enforcement issues prior to this inspection. However, a previous inspection on March 27, 1997 resulted in an enforcement case that included failure to: submit notification forms, annual reports, and fees; keep an inspection log and contingency plan; provide communication equipment and close the satellite accumulation container. This case has since been settled.

INSPECTION FINDINGS:

Based on notification data submitted to the DSWM, Trinity is a large quantity generator of hazardous waste. This status was confirmed during the inspection by a review of the 1998 annual report and shipping manifests.

The inspectors, upon being received by Mr. Wade, explained the purpose of the inspection. A facility tour and inspection was initiated of the following areas:

1) Mechanical Repair Area
2) Blast Area
3) Interior Lining Area
4) Hazardous Waste & Material Storage Bldg.
5) Exterior Blast
6) Inspection Area
7) Exterior Paint Shop Area
8) Maintenance Area
9) Pre-Bake Area
10) Distillation Bldg.

After a visual inspection, the following documents were reviewed:

A) 1998 Annual Report,
B) '97, '98 & '99 Manifests w/ LDR forms,
C) Personnel training, contingency, and waste minimization plans,
D) Waste Inventory log

INSPECTION FINDINGS: (continued)

Specific observations of the operating areas and records are provided below. **Bold print is provided for items of primary importance.**

1) Mechanical Repair Area: This area involves maintenance and replacement of railcar equipment such as valves, insulation, etc.; it does not typically generate waste. Touch-up painting is occasionally performed here, which generates D001, D035-waste paint related material**(waste stream # 1)** and F005, F003, D035-spent solvent from paint equipment cleanup**(waste stream # 2).** Two, five-gallon containers of paint waste were observed to be open and unlabeled in this area. Mr. Wade had the containers closed and removed to the distillation area before proceeding with the inspection.

2) Blast Area: The railcar interior is cleaned by sandblasting with steel shot or grit(also referred to as slag) that generates a non-hazardous dust waste. This material is approved for special waste disposal at Northwest TN Disposal Landfill.

3) Interior Lining Area: The railcar interior is lined with two spray paint applications, a primer coat and a topcoat. The liner is either heat cured or allowed to air dry. **Cleanup associated with the lining operation generates a large percentage of waste streams # 1 and 2 identified previously.** These wastes are individually generated and held in five-gallon buckets prior to being transferred daily to the distillation building. The workers were preparing to line one of the rail units during the inspection, so no waste was accumulated in this satellite area.

4) Hazardous Waste Accumulation Area: This area consists of a large brick building that houses Trinity's waste, new paint, and sandblast shot/grit within separate locations of the building. Emergency equipment was on-hand and maintained for spill response and fire control. Mr. Wade informed that a two-way radio is carried by those personnel managing hazardous waste in this area, which is somewhat isolated from operational areas.

The eleven drums of hazardous waste in storage were labeled, dated, and in good condition. Ten of the drums were within the ninety day accumulation timeframe. The oldest drum was dated 2-3-99**(Photo #1)** and should have been shipped by May 3, 1999, i.e., nine days prior to the inspection. The next oldest drum was dated 2-16-99. Mr. Wade was informed that a thirty day extension could be obtained when circumstances warrant, but that current inspection findings would reflect a violation of the generator, ninety-day accumulation requirement.

Mr. Wade submitted an extension request on May 27, 1999 based on a transportation scheduling delay. The DSWM granted a thirty day extension beyond May 3rd., which would equate to a June 2nd. ship date.

5) Exterior Blast Area: This area operates and generates waste in like fashion to that described in item # 2 above except the railcar's outer surface is prepared for painting.

INSPECTION FINDINGS: (continued)

6) Inspection Area: Railcar inspections identify surfaces that require touch-up painting. Minor amounts of **waste streams # 1 and 2** are generated in this area.

7) Exterior Paint Shop Area: The exterior paint operation, much like the lining area, involves paint application and solvent usage(for thinning and cleaning). **Cleanup associated with this operation also generates a large percentage of waste streams # 1 and 2.** The floor of this enclosed shop is covered with rolled roofing material that collects paint overspray. When discarded, this material is disposed as non-hazardous waste at a permitted landfill.

Where feasible, Trinity is using a water-based paint, which eliminates the need for flammable thinning/cleaning solvents. This type of paint was in use during the inspection, so no hazardous waste was on-hand in this area. Trinity also uses high solids/low VOC paint when practical.

8) Maintenance Area: Only light maintenance work is performed. This area does not routinely generate hazardous waste, although a carburetor cleaning solvent(i.e., methylene chloride) is used in a single vat for parts degreasing. Mr. Wade indicated makeup solvent is added occasionally, but no spent solvent or sludge had been removed from the unit for disposal.

9) Pre-Bake Area: Railcars are confirmed empty by inspection prior to acceptance by Trinity. If necessary, some units are pre-baked internally to make the existing liner more brittle for ease of removal via sandblasting.

A gas burner is used to bake-out the railcar. The operation generates smoke with some particulate that is captured in a wet scrubber unit. The water is recirculated and any solid particulate settles to the scrubber unit tank bottom. To date, this sludge has not been characterized as it has not accumulated to the point of requiring removal. Air emissions from the scrubber are permitted under Tennessee's Division of Air Pollution Control.

10) Distillation Building: **Waste streams # 1 and 2** are generated in the interior lining, exterior painting, and touch-up paint areas as unused waste paint and spent solvent from flushing paint lines and cleaning paint guns. These wastes are generated and temporarily stored in separate five gallon buckets(or smaller) on a satellite basis at each respective operation. When a job is complete or at the end of the day, containers of waste are taken to the distillation building. Spent solvent and liquid waste paint are distilled. The reclaimed solvent is reused.

The distillation process generates F005, F003, D035, D001-still bottoms **(waste stream # 3)**. The still bottoms are accumulated along with solidified waste paint**(waste stream # 1)** in a 55-gallon drum, that serves as a satellite accumulation point located within an open-top, concrete-curbed area immediately behind the distillation building. The satellite drum was closed, labeled, and in good condition and will be dated when full.

INSPECTION FINDINGS: (continued)

Inside the distillation building, five open or loose-lid, five-gallon buckets of spent solvent were observed next to the distillation unit. In addition, one drum of used oil was in storage without required labeling. Mr. Wade was informed that containers of hazardous waste must be labeled and closed except when adding or removing waste. Mr. Wade proceeded to close and label the subject containers at that time.

The distillation unit has a forty gallon capacity and is operated daily, so hazardous waste accumulation does not typically exceed 55 gallons. However, **waste streams # 1 and 2** are no longer near the point of generation while temporarily stored in the distillation building. Trinity could maintain them in satellite accumulation. Otherwise this location must comply with ninety-day accumulation management standards for containers of hazardous waste: **specifically, closed lids, labels, dates and documented weekly inspection are required.**

The inspectors broke for lunch before proceeding to the records review.

Mr. Wade made available Trinity's annual report, manifests with LDR's, personnel training records, and contingency plan. The annual report and manifests with land disposal restriction forms were satisfactory. Personnel training had been conducted in February, 1999. Mr. Wade was informed that **job descriptions should specifically identify duties of each position responsible for routine hazardous waste management and/or emergency response**. Mr. Wade stated that the facility rescue team members would be crosstrained to address hazardous waste emergency response measures. **A cursory review of the contingency plan indicated the emergency coordinator list needed updating.**

The following generation/shipping information was obtained from the annual report:

- waste stream # 1: F005, F003, D035, D001-waste paint related material @ 156 kg/mo.; 427 kg. shipped,
- waste stream # 2: F005, F003, D035, D001-spent solvent @ 2090 kg/mo.; 29,546 kg. reclaimed on-site,
- waste stream # 3: F005, F003, D035, D001-still bottoms @ 1401 kg/mo.; 16,352 kg. shipped.

Based on the manifests and annual report, company-owned Trinity Industries Transportation Corporation(Dallas, TX; ID# TXD 98-804-2966) transports the waste to RINECO(Benton, AR; ID# ARD 98-105-7870) for fuel blending.

In closing the inspection, Mr. Wade was informed that violations were noted and that a Notice of Violation/Inspection Report would be issued. Violations are noted below.

VIOLATIONS:

1. 1200-1-11-.03(4)(e)5(i): A generator **may accumulate** as much as 55 gallons of hazardous waste or one quart of acute hazardous waste listed in Rule 1200-1-11-.02(4)(b), (c) or (d)5, in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, **without a permit or interim status and without complying with part 2 of this subparagraph provided he:**

(I) Complies with Rule 1200-1-11-.05(9)(b), (c), and **(d)1**; and

Rule 1200-1-11-.05(9)(d)1 states: A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

(II) Marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

Observation: Two containers of F005, F003, D035, D001-waste paint were observed unlabeled and unclosed in the mechanical repair area. **Trinity must implement procedures immediately that ensure containers of hazardous waste remain closed when not adding or removing waste. Trinity must also take measures to ensure containers of hazardous waste are properly labeled at all times.**

2. 1200-1-11-.03(4)(e)3: **A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility** and is subject to the requirements of Rule 1200-1-11-.05 and 1200-1-11-.06 and the permit requirements of Rule 1200-1-11-.07 unless he has been granted an extension to the 90-day period. Such extension may be granted by the Department if hazardous wastes must remain on-site for more than 90 days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Commissioner on a case-by-case basis.

Observation: At the time of the inspection(5-12-99), the single oldest drum out of eleven total was dated 2-3-99 and should have been shipped by May 3, 1999. Trinity later requested a storage time extension, which was granted. **Trinity must schedule waste shipments in a timely manner to avoid significant violations of this nature in the future.**

3. All of the following rule cites pertain to the hazardous waste containers located within the distillation building on the date of the inspection.

1200-1-11-.03(4)(e)2(ii): The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.

VIOLATIONS: (continued)

1200-1-11-.03(4)(e)2(i)(I): A generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status provided that the waste is placed in containers and the generator complies with **Rule 1200-1-11-.05(9).**

> **Rule 1200-1-11-.05(9)(e) states: The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.**

1200-1-11-.03(4)(e)2(iv): A generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status provided that the generator complies with the requirements for owners or operators in **parts (2)(f)**1, 3, and **4,** subparagraph (2)(g), and **paragraphs (3)** and (4) **of Rule 1200-1-11-.05** and with subpart (1)(g)1(iv) of Rule 1200-1-11-.10.

> **Rule 1200-1-11-.05(2)(f)4 states: The owner or operator must record inspections in an inspection log or summary. He must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.**
>
> **Rule 1200-1-11-.05(3)(b) states: Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.**

Observation: F005, F003, D035, D001-waste streams # 1 and 2, which are held temporarily in the distillation building, must be dated, as they are no longer near the point of generation. This waste accumulation prior to the solvent recovery process must comply with the above Rule cites, which require closed, labeled containers and documented weekly inspections among other mandates, unless Trinity presents an alternative management scheme.

Trinity must be especially diligent to maintain closed waste containers, because the uncontrolled solvent vapor is viewed as failure to minimize non-sudden release of hazardous waste constituents to the air. This violation was addressed during the inspection, but Trinity should implement a container management program to ensure future compliance.

4. 1200-1-11-.03(4)(e)2(iv): A generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status provided that the generator complies with the requirements for owners or operators in parts (2)(f)1, 3, and 4, **subparagraph (2)(g),** and paragraphs (3) and (4) **of Rule 1200-1-11-.05** and with subpart (1)(g)1(iv) of Rule 1200-1-11-.10.

VIOLATIONS: (continued)

Subparagraph (2)(g) of Rule 1200-1-11-.05 states in part:

1200-1-11-.05(2)(g)1(i): Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part. The owner or operator must ensure that this program includes all the elements described in the document required under subpart 4(iii) of this subparagraph.

1200-1-11-.05(2)(g)1(iii): At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including where applicable:

(I) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

(II) Key parameters for automatic waste feed cut-off systems;

(III) Communications or alarm systems;

(IV) Response to fires or explosions;

(V) Response to ground-water contamination incidents; and

(VI) Shutdown of operations.

1200-1-11-.05(2)(g)3: Facility personnel must take part in an annual review of the initial training required in part 1 of this subparagraph.

1200-1-11-.05(2)(g)4: The owner or operator **must maintain the following documents and records** at the facility:

(i) The job title for each position at the facility **related to hazardous waste management**, and the name of the employee filling each job;

(ii) **A written job description for each position** listed under subpart 4(i) of this subparagraph. **This description** may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but **must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;**

VIOLATIONS: (continued)

(iii) **A written description of the type and amount of both introductory and continuing training that will be given to each person** filling a position listed under subpart 4(i) of this subparagraph;

(iv) Records that **document that the training or job experience required** under parts (1), (2), and (3) of this subparagraph **has been given to, and completed by, facility personnel.**

Observation: A review of training records indicated detailed job descriptions were not provided for each employee with hazardous waste duties including emergency rescue teams. **Trinity must complete and maintain the subject documentation for each employee as appropriate, before the follow-up inspection by this office.**

5. **1200-1-11-.03(4)(e)2(iv):** A generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status provided that the generator complies with the requirements for owners or operators in parts (2)(f)1, 3, and 4, subparagraph (2)(g), and **paragraphs** (3) and **(4) of Rule 1200-1-11-.05** and with subpart (1)(g)1(iv) of Rule 1200-1-11-.10.

Rule 1200-1-11-.05(4) states in part: The contingency plan must be reviewed, and immediately amended, if necessary, whenever: The list of emergency coordinators changes.

Observation: Mr. Wade made needed revisions to the company's contingency plan during the inspection and should follow-up with corrections to other distribution copies.

COMMENTS:

An issue under evaluation by the DSWM is waste stream notification for individual waste paint and spent solvent generated by Trinity. This will be discussed at a later date. A follow-up inspection will be conducted to verify compliance regarding violations corrected by Trinity since the May 12th. inspection.

SIGNED: James Kelly DATE: 6-25-99
James (Pete) Kelly, TDEC, DSWM

REVIEWED: Randal Harris By JWW DATE: 6-25-99
Randal B. Harris, Manager, TDEC, DSWM

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